

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE
1, Kurchatov Square
Moscow 123182
Russian Federation

Plaintiff

vs.

WESTERN SERVICES CORPORATION
5705 Industry Lane
Frederick, Maryland 21704

and

8714 Birkenhead Court
Laurel, Maryland 20723-5981

SERVE: Alexander L. Adamovich
Registered Agent
8941 Tamar Drive, #101
Columbia, Maryland 21045

AND

GUIA OUTMELIDZE (aka GEORGE UTMEL)
5705 Industry Lane
Frederick Maryland 21704
SERVE: Guia Outmelidze
(aka George Utmel)

AND

SCIENCE APPLICATIONS INTERNATIONAL
CORPORATION
10260 Campus Point Drive
San Diego, California 92121

SERVE:
Registered Agent

CASE NO: AMD 02 CV3878

Corporation Trust)
1209 Orange Street)
Wilmington, DE 19801)
)
AND)
)
DATA SYSTEMS AND SOLUTIONS LLC)
12100 Sunset Hills Road)
Reston, VA 20190)
)
SERVE:)
)
Registered Agent)
Corporation Service Co.)
2711 Centreville Road)
Suite 400)
Wilmington, DE 19808)
)
Defendants.)
_____)

**MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

Plaintiff The Russian Research Center, The Kurchatov Institute (“KI”), by its undersigned counsel, moves pursuant to Federal Rule of Civil Procedure 15(a) and Local Rule 103.6 for leave to file the attached Second Amended Complaint. The grounds of this motion are as follows:

1. This case began as a suit based on common law unfair competition, tortious interference with business relations, unjust enrichment and breach of contract against Defendant Western Services Corporation (“Western”).

2. Prior to filing suit, KI filed for copyright registration for numerous components of its SimPort software. Shortly after filing suit, KI received notice from the United States Copyright Office that the Office had found KI’s application for copyright protection to be in order and issued the Certificate of Registration for the 2002 version of its SimPort simulation

software that Western infringes. Accordingly, KI filed a First Amended Complaint, including a count for copyright infringement against Western. Subsequent to filing its First Amended Complaint, KI received notice from the Copyright Office that Certificates of Registration for five additional components of the SimPort software would be issued. During further investigation of its claim, and after filing the Complaint and First Amended Complaint, KI's counsel learned that additional parties are likely copying, licensing and/or selling KI's copyrighted simulation software known as SimPort, in addition to the original Defendant Western. As such, KI now moves this Court seeking leave to file this Second Amended Complaint, alleging copyright infringement for the five most recently issued Certificates of Registration and asserting several causes of action against the additional defendants, Science Applications International Corporation (SAIC) and Data Systems and Solutions LLC (DS&S).

3. No Defendant will be prejudiced in any way by KI's filing of the Second Amended Complaint. Trial in this case will not occur for more than one year from the date of this filing (June 14, 2004) and more than a sufficient amount of time remains for discovery in this action, should the same be necessary; the discovery deadline is February 3, 2004.

WHEREFORE, KI respectfully requests that this Court grant it leave pursuant to Fed. R. Civ. P. 15(a) and L. Rule 103.6 to file the attached Second Amended Complaint.

STATEMENT OF GROUNDS AND AUTHORITIES

1. Fed. R. Civ. P. 15(a) is cited for the proposition that “a party may amend the party’s pleading . . . by leave of court . . .; and leave will be freely given when justice so requires.”

/s/

John M.G. Murphy Fed. Bar No: 03811
Ober, Kaler, Grimes & Shriver
A Professional Corporation
120 E. Baltimore St., 8th fl.
Baltimore, MD 21202
410-685-1120
Fax: 410-547-0699
Attorneys for Plaintiff
Russian Research Center - Kurchatov Institute

OF COUNSEL:

E. Scott Johnson
Ober, Kaler, Grimes & Shriver
120 E. Baltimore St., 8th fl.
Baltimore, MD 21202
410-685-1120
Fax: 410-547-0699

SO ORDERED this _ day of _____, 2003:

Andre M. Davis
United States District Judge